

Amendment No. 2 to SB1026

**Cooper
Signature of Sponsor**

AMEND Senate Bill No. 1026*

House Bill No. 1072

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding the following new sections immediately preceding the last section, as amended, to appropriately designate such sections and to renumber the last section accordingly:

SECTION ___. Tennessee Code Annotated, Section 4-29-228(a), is amended by deleting subdivision (27) in its entirety and renumbering subsequent subdivisions accordingly.

SECTION ___. Tennessee Code Annotated, Section 4-29-229(a), is amended by deleting subdivision (32) in its entirety and renumbering subsequent subdivisions accordingly.

SECTION ___. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following as new subdivisions thereto:

() Home improvement commission, created by § 62-37-116;

() State board for licensing contractors, created by § 62-6-104;

SECTION ___. Tennessee Code Annotated, Section 4-29-228(a) is amended by adding the following as a new subdivision thereto:

() Contractors licensing board, created by § 62-6-104;

SECTION ___. Tennessee Code Annotated, Section 4-3-1304(a) is amended by deleting subdivision (2) and by adding the following as a new subdivision thereto:

() Contractors licensing board;

SECTION ___. Tennessee Code Annotated, Section 62-6-104(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) There is created a contractors licensing board, hereinafter called the “board” to be appointed by the governor. The board shall be composed of eleven (11) members, all of whom shall be residents of this state. At least three (3) of such board members shall be actively engaged as residential contractors, one

(1) of whom may be a home improvement contractor. Such board members shall compose the residential review board to consider matters pertaining to residential construction, other than those matters requiring notice and an opportunity for a hearing pursuant to title 4, chapter 5.

Of the remaining eight (8) board members at least two (2) shall be actively engaged as commercial building contractors, at least one (1) shall be actively engaged as a mechanical or plumbing contractor, at least one (1) shall be actively engaged as an electrical contractor, at least one (1) shall be actively engaged as a highway, railroad or airport contractor, and at least three (3) shall be public members who are not engaged as a contractor in any county of this state.

All board members who are required to be in the business of contracting shall have been actively engaged in the business for a period of not less than ten (10) years immediately preceding their appointment and shall be licensed in the classification in which such member is serving on the board. There shall be no more than one (1) board member in any specific classification provided hereinabove residing within any one (1) grand division of this state and no more than four (4) board members residing in any one (1) grand division. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION __. Tennessee Code Annotated, Section 62-6-105, is amended by deleting the section in its entirety and by substituting instead the following:

62-6-105.

(a)

(1) Each member of the board shall be at least twenty-five (25) years of age and of good moral character.

(2)

(A) Each member shall be of recognized standing in the member's branch of the contracting business.

(B) Subdivision (a)(2)(A) does not apply to the public members who are not engaged in the business of contracting.

(b) Of the members initially appointed, two (2) contractors shall serve a term of one (1) year, two (2) contractors and one (1) public member shall serve a term of two (2) years, two (2) contractors and one (1) public member shall serve a term of three (3) years, and two (2) contractors and one (1) public member shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointment made to fill vacancies shall be made for the duration of the unexpired term.

(c) In event of death, resignation, or failure of a member to serve the full term, a successor shall be appointed to the unexpired term. Each member shall hold over after the expiration of the member's term until the successor has been duly appointed and qualified. If vacancies shall occur in the board for any cause, the same shall be filled by appointment of the governor.

(d) The governor may remove any member of the board for official misconduct, incompetence or willful neglect of duty.

SECTION __. Tennessee Code Annotated, Section 62-6-109, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) A majority of the members of the board shall constitute a quorum at a board meeting.

SECTION __. Tennessee Code Annotated, Section 62-37-103, is amended by adding the following as a new, appropriately designated subdivision:

() “Board” means the contractors licensing board, created by § 62-6-104;

SECTION __. Tennessee Code Annotated, Section 62-37-103, is amended by deleting subdivisions (3) and (4) and renumbering subsequent subdivisions accordingly.

SECTION __. Tennessee Code Annotated, Title 62, Chapter 37, Part 1, is amended by deleting the word “commission” wherever it appears and substituting instead the word “board”.

SECTION __. Tennessee Code Annotated, Section 62-37-106(c), is amended by deleting the word “commissioner’s” and substituting instead the word “board’s”.

SECTION __. Tennessee Code Annotated, Section 62-37-115, is amended by deleting the section in its entirety and substituting instead the following:

62-37-115. In addition to the powers and duties elsewhere prescribed in this chapter, the board may:

(1) Examine the qualifications and fitness of applicants for licenses under this chapter;

(2) Keep records of all licenses issued, suspended or revoked. These records shall be open to the public for inspection during regular business hours;

(3) Adopt such rules and regulations not inconsistent with the provisions of this chapter as may be necessary with respect to the form and content of applications for licenses, the reception thereof, the investigation and examination of applicants and their qualifications, and all other matters incidental or appropriate to the board’s powers and duties as prescribed by this chapter and for the proper administration and enforcement of the provisions of this chapter, and to amend or repeal any of such rules and regulations; and

(4) Receive complaints from the public regarding home improvement contractors, and maintain records of such complaints.

SECTION __. Tennessee Code Annotated, Sections 62-37-116, 62-37-117, 62-37-138, and 62-37-139, are deleted in their entirety.

SECTION __. It is the intent of the general assembly that the rules of the state board for licensing contractors and the home improvement commission shall be deemed to be the rules of the contractors licensing board created by this act.

SECTION __. It is the intent of the general assembly that the contractors licensing board created by this act shall examine its laws and suggest necessary amendments for the effective administration of its licensing programs.

SECTION __. Notwithstanding the provisions of § 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the existing state board for licensing contractors and the home improvement commission shall terminate and cease all activities on June 30, 2005. It is further the intent of the general assembly that the contractors licensing board created by this act shall commence operations on July 1, 2005.